

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: GREZ ET AL.

U.S. Application No.: 10/539,699

PCT Application No.: PCT/IB2003/005771

International Filing date: 03 December 2003

Priority Date Claimed: 18 December 2002

Attorney Docket No.: US020549

Title: PUMP SYSTEM FOR A PERSONAL CARE APPLIANCE

Mail Stop PCT  
Commissioner for Patents  
Office of PCT Legal Administration  
Alexandria, VA 22313-1450

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[ ] transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9306	
On:	<u>Sept. 2, 2005</u>
By:	<u>Elissa DeLucy</u>

PETITION UNDER 37 CFR 1.182

Sir:

The present application, U.S. Serial No. 10/539,699, was filed on June 16, 2005. In the national stage papers of the present application, International Application No. PCT/IB2003/005602 was referenced. However, U.S. Serial No. 10/539,896 also referenced the same International Application, which was also filed on June 16, 2005. As stated in the attached Communication received by the Applicant, it is

10/18/2005 CH001 00000001 141270 10539699  
Sale Ref: 00000001 DA#: 141270 10539699  
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improper to have to national stage filings designating the same international application.

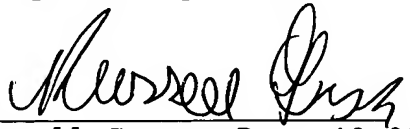
In response, the Applicant would like to point out that the present application, U.S. Serial No. 10/539,699, should have designated another International Application, PCT/IB2003/005771. The present application designating International Application No. PCT/IB03/05602 was a due to a typographical error. Therefore, the Applicant respectfully requests the opportunity to correct this mistake.

In order to support this request, the Applicant is submitting another set of formal papers that designates the correct International Application, PCT/IB2003/005771. In comparing the present application to this particular International Application, it can be seen that these documents do correspond to each other. Thus, the Applicant respectfully requests that the Commissioner accept the attached set of formal papers so that the present application may proceed to examination on the merits.

If any other information is required to accept this petition, the Applicant may be reached at the number below.

The Commissioner is hereby authorized to charge the petition fee of \$400.00 to Account No. 14-1270.

Respectfully submitted,

By   
Russell Gross, Reg. 40,007  
Attorney  
(914) 333-9631



10 AUG 2005

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DATE	INITIAL
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In re Application of BARMENTLO et al

U.S. Application No.: 10/539,699

PCT Application No.: PCT/IB03/05602

Int. Filing Date: 03 December 2003

Priority Date Claimed: 18 December 2002

Attorney Docket No.: US020549

For: SYSTEM FOR ENABLING THE USE OF  
PRODUCTS BEYOND THE END OF THE  
LIMITED TRIAL PERIOD

COMMUNICATION

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This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

**BACKGROUND**

On 03 December 2003, applicant filed international application PCT/IB03/05602, which claimed priority of an earlier United States application filed 18 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 01 July 2004. The thirty-month period for paying the basic national fee in the United States expired on 18 June 2005.

On 16 June 2005, applicant filed two sets of purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1). The first set of national stage papers referenced international application number PCT/IB03/05602 and attorney docket number "US020549" and was assigned U.S. Application Number 10/539,699. The second set of national stage papers referenced international application number PCT/IB03/05602 and attorney docket number "US020548" and was assigned U.S. Application Number 10/539,896.

**DISCUSSION**

The end result for an international application designating the United States is a single U.S. national stage application. Therefore, the existence of two U.S. national stage applications for a single international application is improper.

**CONCLUSION**

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response would include a petition under 37 CFR 1.182 along with the requisite \$400.00 petition fee and an explanation regarding why two national stage applications were filed based on the same international application. Failure to timely file a proper response will result in the serialization of U.S. Application Number 10/539,896 being vacated.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
Facsimile: 571-273-0459